United Nations A/HRC/WG.6/22/JAM/3

General Assembly

Distr.: General
12 February 2015

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty second session
4–15 May 2015

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Jamaica*

The present report is a summary of 8 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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Information provided by stakeholders

A. Background and framework

1. Scope of international obligations[2]

1. Amnesty International (AI) stated that during its first Universal Periodic Review (UPR), Jamaica accepted recommendations related to the ratification of OP-CRC-SC and OP-CRPD,[3] and welcomed that Jamaica ratified the OP-CRC-SC on 2011.[4] However, AI mentioned that Jamaica had yet to ratify the OP-CRPD[5] and recommended it to ratify without reservations ICCPR-OP2, aiming at abolition of the death penalty.[6] Commonwealth Human Rights Initiative (CHRI) stated that during its previous UPR Jamaica agreed to consider and decide upon ratifying CAT[7] but that however, it had not signed this treaty.[8]

2. AI reported that regarding recommendations related to ratifying OP-CEDAW[9], Jamaica stated that its ratification was being considered as part "of the broader consideration of the review of its international human rights obligations" but four years later, it had not been ratified.[10] The Inter-American Commission on Human Rights – Organization of American States - (IACHR) recommended that Jamaica accedes to OP-CEDAW.[11]

3. CHRI recommended that Jamaica ratifies all core international human rights treaties and their optional protocols as a matter of priority.[12]

2. Institutional and human rights infrastructure and policy measures

4. CHRI asserted that in its last UPR Jamaica received a number of recommendations related to the establishment of a national human rights institution (NHRI)[13], and that it rejected all recommendations based exclusively on establishing this institution, but it agreed to seek external technical assistance for this purpose.[14] CHRI recommended that Jamaica continues to cooperate with the Commonwealth Secretariat to establish a NHRI at the earliest opportunity.[15] J-FLAG (JFLAG) recommended the establishment of an independent human rights commission[16] and International Service for Human Rights (ISHR) recommended that the NHRI adheres to the Paris Principles and includes a focal point for human rights defenders.[17]

5. CHRI was concerned on the capacity of the Office of the Public Defender to effectively handle all human rights complaints it received, due to its limited staffing.[18]

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

6. CHRI reported that Jamaica's treaty reporting record was irregular and that, at the time of writing it had a number of overdue reports.[19] CHRI recommended that Jamaica ensures full and timely compliance with all reporting obligations.[20]

2. Cooperation with special procedures

7. CHRI stated that during the last review Jamaica rejected all recommendations to issue a standing invitation for the Special Procedures mandate-holders.[21] CHRI recommended Jamaica to demonstrate its commitment to the international human rights system by immediately extending an open invitation to all Special Procedures mandate-holders and facilitate, without further delay, the visit of all pending requests.[22]

8. ISHR reported that Jamaica has not responded to the requested visit from 2012 by the Special Rapporteur on Human Rights Defenders[23] and recommended that it accept this request.[24]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

9. Inter-American Commission on Human Rights reported that deep inequalities pervading Jamaican society were exacerbated by the State's inadequate measures to protect and guarantee human rights of women, children and other vulnerable groups.[25]

10. IACHR underscored that despite efforts from the State, women continued to suffer discrimination and violence.[26] IACHR asserted that while the Government had taken positive steps towards respecting and protecting the rights of women, the path to gender equality was still affected by key obstacles, and that poverty was a key factor in discrimination against women.[27]

11. IACHR recommended that Jamaica, inter alia, adopts a comprehensive policy to address the specific needs of women and their problems of discrimination and violence and incorporate the gender perspective in law and policy; assign resources to gender equality issues; address prevailing stereotypes in society regarding women; implements fully existing national legislation and public policies designed to protect women from acts of violence and discrimination; and strengthens laws and policies aiming at ensuring that judicial protection and guarantees are available to women subjected to gender-based discrimination and violence.[28]

12. IACHR reported that discrimination based on sexual orientation, gender identity, and gender expression was widespread throughout Jamaica, and that discrimination against LGBTI communities was entrenched in state institutions. It asserted that LGBTI communities faced political and legal stigmatization, police violence and inability to access the justice system.[29] JS2 recommended that Jamaica implements a national plan to provide training and sensitization on human rights issues, including LGBT rights, to judiciary, law enforcement officers and police in order to eradicate homophobia, discrimination and violence in these institutions.[30] JS2 also recommended that Jamaica implements awareness-raising campaigns to promote the full inclusion of LGBT people in society.[31]

13. AI stated that LGBTI organizations reported attacks, harassment and threats against individuals based on their real or perceived sexual orientation.[32] ISHR recommended that Jamaica legalise the defence of the rights of the LGBTI population and criminalise discrimination on the basis of sexual orientation and gender identity.[33] J-FLAG-SRI (JS2) recommended that Jamaica enact anti-hate crime legislation, establish anti-discrimination measures through specifically assigned and mandated offices, and provide for speedy and effective criminal, administrative and civil remedies.[34]

14. CHRI expressed disappointment that the Jamaican Government's new Human Rights Charter failed to incorporate the right to non-discrimination on grounds of sexual orientation and gender identity[35] and JFLAG asserted that this Charter did not offer protection on the basis of one's sexual orientation or gender identity.[36] AI recommended the Charter's amendment, to prevent discrimination on the basis of one's sexual orientation, gender identity, gender expression, or any other relevant trepidation.[37]

15. JFLAG noted that during the UPR in January 2011, Jamaica received several recommendations regarding the need to repeal or make amendments to all provisions of the law that criminalize same-sex activities between consenting adults and that these

recommendations did not enjoy support from Jamaica.[38] CHRI stated that retaining provisions that criminalise consensual same-sex relationships was incompatible with Jamaica's human rights obligations, entrenched homophobia and reinforced stigma and prejudice based on sexual orientation.[39] AI affirmed that these laws breached the right to privacy[40] and JS2 recommended that Jamaica decriminalizes these activities.[41] In October 2014, AI reported that in 2013 the Government announced that a "conscience vote" by MPs on legislation criminalizing consensual same sex relations would be held before April 2014 but that the vote, however, had not taken place.[42]

2. Right to life, liberty and security of the person

16. CHRI stated that during its previous UPR Jamaica received 11 recommendations to abolish the death penalty, accede to ICCPR-OP2 and formalise a moratorium on all pending executions, and that however, none of these enjoyed Jamaica's support.[43] CHRI stated that during the intervening period between Jamaica's first two UPRs no executions had been reported. However, in 2011 it was reported that at least 4 people received death sentences.[44] AI recommended Jamaica to establish an official moratorium on the death penalty and commute without delay all death sentences to terms of imprisonment.[45]

17. AI stated that the adoption in April 2011 of the Charter of Fundamental Rights and Freedoms (sections 13 to 20 of the Constitution) included a provision seemingly intended to reverse the effects of the 1994 Privy Council decision which established that execution after a delay of more than five years would constitute 'inhuman or degrading punishment or other treatment'.[46] IACHR expressed deep concern that this amendment contradicts Jamaica's current human rights obligations[47], and stated it was extremely dismayed that Jamaica had chosen to amend its Constitution to allow for a practice that constituted inhuman and degrading punishment.[48] CHRI recommended that Jamaica ensures that its legislation concerning individuals on death row was in line with human rights standards.[49]

18. International Human Rights Law Clinic of LLS-Jamaicans for Justice (JS1) affirmed that a documented pattern of unlawful police killings and excessive use of force had existed in Jamaica since the early 1970s and that police forces fatally shot hundreds of victims every year.[50] JS1 stated that during Jamaica's 2010 UPR, numerous States expressed concern about reports of unlawful police killings and excessive use of force, as well as impunity and corruption within the security forces.[51] JS1 reported that since Jamaica's 2010 UPR, security forces had continued to kill an average of 254 civilians per year[52] and that in 2013, police fatally shot 245 people.[53] JS1 highlighted that according to post-mortem reports collected by the organization Jamaicans For Justice, members of the Jamaican Constabulary Force (JCF) often shot suspects from behind.[54]

19. JS1 asserted Jamaica must prevent unlawful killings, even in times of public emergency.[55]JS1 stated that despite the astounding number of police killings, Jamaica had only convicted four JCF officers of murder since 1999 and that in Jamaica each stage of the judicial process was plagued with irregularities, deficiencies, and delays.[56] JS1 explained that by failing to ensure that security force-related deaths are independently and thoroughly investigated, Jamaica continued to allow a culture of impunity to reign, and had further failed to fulfil its international obligation to respect the right to life.[57]

20. JS1 asserted that in 2010, Parliament created the Independent Commission of Investigation (INDECOM) to take over and investigate actions by members of the security forces and other state agents resulting in death or injury of persons, or in the abuse of human rights.[58] AI stated that the creation of INDECOM had been an important positive development since the first UPR cycle,[59] and that following rising numbers in police killings in recent years, 2014 had seen a reduction in the number of police killings according to INDECOM.[60]

21. AI stated that however, a number of people have been killed in circumstances suggesting that they may have been extra-judicially executed.[61] AI also highlighted that INDECOM had faced a number of obstacles in carrying out its functions, including lack of cooperation and even hostility from members of the police force.[62]

22. JS1 stated that the newly established agencies - INDECOM and a special coroner's office to conduct inquests into security force-related deaths - had neither the resources nor the political power necessary to effectively reduce unlawful police killings.[63] CHRI expressed concern, about the ability of Jamaica's national institutions to effectively monitor situations where torture and ill-treatment might be practiced.[64]

23. IACHR stated it had been informed that the police used measures of excessive force and arbitrary arrest and detention.[65] JS1 stated that police use of force must follow the principles of legality, necessity and proportionality,[66] JS1 urged the Human Rights Council to recommend that Jamaica, inter alia, adopts legislative or other measures to ensure that police and security officers exhaust all other options before resorting to force, especially deadly force.[67]

24. IACHR affirmed that in practice, most arrests that occurred in Jamaica were warrantless, based on the broad powers contained in the Bail Act, which authorized the JCF to carry out "pre-emptive arrests" if there was a "suspicion that a breach of the peace will occur."[68] IACHR was especially troubled that the police was allowed to decide on bail, which is problematic given the absence of judicial review of warrantless arrests.[69]

25. IACHR stated that Jamaican laws themselves, as well as pervasive practices, were incompatible with the international standards regarding the deprivation of liberty.[70] IACHR was especially concerned about a number of bills passed by the Jamaican Parliament in 2010 that expanded the already broad restrictions on personal liberty[71], extending the powers of arrest and detention, the length of time a suspect can remain in custody, and the scope and length of warrantless arrests and detentions, while lessening the rights of individuals.[72] IACHR recommended that Jamaica modify laws which allow police broad discretionary power to arrest and detain individuals without warrant or cause.[73]

26. AI asserted that deaths in police custody remained a concern.[74] IACHR asserted that detention and prison conditions in Jamaica were very poor due to overcrowding, poor sanitary conditions, and lack of sufficient medical care.[75] CHRI asserted that allegations regarding ill-treatment of detainees by prison guards had been made and that dire conditions continued to prevail in Jamaican detention facilities despite the government's commitment to address conditions of detention during its previous UPR.[76]

27. IACHR recommended that Jamaica, inter alia, resolves the problem of overcrowding and unsanitary conditions in prisons and police holding cells; ensures adequate representation for all persons; and ensures that every instance of detention is given prompt judicial review.[77]

28. AI reported that a Commission of Enquiry was finally established in February 2014 to investigate alleged human rights violations committed during the 2010 state of emergency, when 76 civilians were killed, 44 of whom were alleged to have been extra-judicially executed by the security forces.[78] JS1 affirmed that although Jamaica agreed during its 2010 UPR to consider appointing an independent commission to investigate these deaths, the State did not even assemble a fact-finding panel until February 2014.[79] AI expressed concerns regarding the lack of specificity in the Commission's terms of reference and stated that at time of writing, the Commission had yet to commence its work.[80]

29. IACHR expressed concern about the use of Jamaican Defence Forces and the JCF to undertake joint operations during emergency situations, since a cornerstone of citizen security was that military forces not be used for civilian crime-fighting.[81] IACHR

recommended that Jamaica inter alia, designs and implements public policies on citizen security; ensures that institutions with jurisdiction over citizen security are able to prevent, investigate and punish any human rights violation; ensures that the JCF and all security bodies act with due diligence to prevent, deter, and lawfully suppress acts of violence or crime and adopt laws and measures to clearly define and distinguish national defence as the function of the armed forces, and citizen security as a function of the police.[82]

30. AI reported that statistics showed 814 cases of rape recorded in 2013 and 128 women murdered in the same year.[83] IACHR reported impunity had prevailed with respect to most of these acts[84] IACHR reported that despite a significant number of efforts from the State, women continued to suffer different types of violence, including domestic violence, sexual harassment, rape, and incest, among others.[85] IACHR reported that domestic violence was not always viewed as a crime, in part due to the perceived lower social status of females in Jamaica.[86] AI recommended Jamaica to ensure satisfactory investigation and prosecution of cases of gender-based violence.[87]

31. IACHR recommended that Jamaica eradicates the discrimination and the prevailing socio-cultural patterns which promote the repetition of violence against women and ensures that public officials involved in prosecuting cases of violence and discrimination against women are properly educated about women's rights under domestic and international laws.[88]

32. Following a Senate motion in October 2013 calling for greater legislative protection for women and girls, a joint select committee of Parliament was established in July 2014 to review the Sexual Offences Act, Offences against the Person Act, Domestic Violence Act, and the Child Care and Protection Act.[89] AI stated that the Sexual Offences Act criminalized marital rape, but was very limited in its application and recommended Jamaica to amend it in order to criminalize marital rape in all circumstances. [90]

33. IACHR affirmed that children were especially vulnerable to widespread violence and that many of those reportedly killed by police were adolescent youths.[91]

34. IACHR asserted that the Jamaican Government's child-care system suffered from disturbing levels of sexual, physical and mental abuse of children at the hands of caregivers, and urgently required reform and additional resources.[92]

35. IACHR recommended that Jamaica, inter alia, implements initiatives of prevention and response to all forms of violence and sexual assault against children and the creation of mechanisms to facilitate that children victims of violence may be heard and present claims, and ensures that the deprivation of liberty of children is applied only as a measure of last resort, for the minimum period necessary, and limited to strictly exceptional cases.[93]

36. IACHR applauded the anti-corporal punishment campaign undertaken by the Ministry of Education.[94] Global Initiative to End All forms of Corporal Punishment (GIEACPC) reported that in 2013, all provisions for flogging in the penal system were formally repealed.[95] However, it expressed regret that despite positive public statements by officials, legislation which prohibits corporal punishment in schools was yet to be enacted, and corporal punishment remained lawful in the home and some forms of day care.[96] GIEACPC stated that relevant domestic laws and the Constitution were not interpreted as prohibiting corporal punishment in childrearing.[97]

37. ISHR stated that human rights defenders often did not have the protection of the Jamaican Police Federation as they were labelled 'agents of provocation' who falsely accuse the police and the state.[98] ISHR reported that Jamaica rejected one recommendation concerning human rights defenders (HRDs) in its first UPR.[99] It asserted that defenders of the rights of LGBTI people have been murdered, beaten and threatened and that impunity

for these crimes remains common, as they are often perceived as transgressors of social and cultural values.[100]

38. ISHR recommended, inter alia, that Jamaica enact and implement specific laws, policies and measures to recognise and protect HRDs, by giving full force and effect to the international Declaration on HRDs, combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against HRDs, and demonstrate strong, high-level political support for them through public statements by State officials, which recognise their important and legitimate work.[101]

3. Administration of justice, including impunity

39. IACHR stated that justice in Jamaica was administered with one standard for the rich and another for the poor,[102] and asserted that there was a link between the denial of justice, poverty and discrimination.[103] IACHR was troubled by severe delays in the criminal justice, and stated that access to remedy was neither simple nor prompt.[104] JS2 recommended that Jamaica amends its legal system to guarantee every citizen, and particularly LGBT people, access to justice, inter alia, by strengthening judicial capacity and infrastructure.[105] IACHR expressed it was troubled by the lack of state-provided legal assistance and legal aid.[106]

40. IACHR expressed that despite positive measures such as the handling of 397 disciplinary cases by the JCF during 2010 involving its members, it was concerned over the relatively unchallenged system of impunity afforded to police officers regarding killings.[107] JS1 urged the Human Rights Council to recommend that Jamaica adopts such legislative or other measures as may be necessary to remove officers involved in killings from active duty, including discharging them of their weapons, during investigations.[108] CHRI recommended that Jamaica ensures the successful functioning of an effective independent police oversight mechanism and an impartial police complaints and misconduct authority.[109]

41. IACHR recognized positive steps taken with the adoption of the Independent Commission of Investigations Act (INDECOM Act), which established "an Independent Commission to investigate any excesses and abuses alleged to have been committed by members of the security forces and other agents of the State such as correctional officers."[110]

42. IACHR expressed however concern that INDECOM was not given the power and authority it needed to be truly effective.[111] JS1 stated that since its inception in 2010, and up to January 2012, INDECOM had referred only 39 cases to the Director of Public Prosecution.[112] CHRI expressed concern about the ability of INDECOM to hold police officials accountable for abuses as a result of officers challenging its authority.[113]

43. IACHR stated that INDECOM and an Anti-Corruption Branch were investigative mechanisms that assisted in the fight against police impunity but that the main body for the investigation of police shootings was the Bureau of Special Investigations (BSI).[114] IACHR asserted that there was therefore a clear conflict of interest that hindered an independent investigation mechanism, because the BSI was organized as a specialized unit of the JCF, which meant that the police force essentially ended up investigating itself, an organizational arrangement that tended to instil a bias in investigators.[115] IACHR asserted that partiality of the investigating institution, tampering with evidence, and severe lack of resources all negatively contributed to the high level of impunity for the police.[116]

44. JS1 recalled that in 2010 it took the Office of the Director of Public Prosecutions (DPP) 27 months on average to decide whether even to bring charges against JCF members suspected of unlawful killings.[117] JS1 also asserted that as of 2013, cases referred to the

DPP as far back as 2009 were still awaiting ruling, and that while investigations were in fact inadequate.[118]

45. IACHR said that according to information received, many judges were appointed after serving in the office of the DPP, giving them strong ties to prosecutors and affecting their impartiality.[119] JS1 stated that Jamaica's Supreme Court had a backlog of almost 500 cases due to infrequent sittings, inadequate juror availability, witness intimidation and absenteeism, and inadequate staffing and resources.[120]

46. JS1 urged the Human Rights Council to recommend inter alia, that Jamaica reorganizes its investigation procedures and court administration so that JCF plays no part in the initial investigation or in Coroner's Court or Supreme Court proceedings; amends the INDECOM Act ensuring the DPP does not intervene in INDECOM's prosecutions; gives INDECOM the power to investigate JCF officers; and provides INDECOM with the necessary resources to meaningfully carry out its function as an independent commission.[121]

47. IACHR highlighted as particularly troubling the lengthy duration of the punishments meted out to children, as well as reports of the failure to provide legal counsel for children in the criminal justice system.[122]

48. IACHR asserted that because of risk of police abuse, lack of accountability, and subsequent community threat after exposure, LGBTI individuals were afraid to report incidents of violence and discrimination to the police and were denied access to justice.[123] JFLAG urged Jamaica to implement mechanisms to improve access to justice for LGBT citizens.[124]

4. Freedom of expression, and right to participate in public and political life

49. ISHR reported that the Jamaican Parliament passed a bill in 2013 to abolish criminal defamation but that to date journalists had to exercise self-censorship as a result of threats from the State to file civil defamation cases which resulted in excessive damages.[125]

50. IACHR applauded that the Access to Information Act incorporated into Jamaican law many relevant standards.[126] However IACHR noted that some of these exceptions were phrased in rather broad terms, and thus it fell to the enforcement authority to define the scope of the exceptions in accordance with international standards in this area.[127]

51. IACHR underscored that no provision was made to balance the public interest in disclosure against the government interest in secrecy in the case of exempted documents. IACHR called attention to the fact that certain government entities were wholly or partially exempted from the Act, including "the security or intelligence services in relation to their strategic or operational intelligence-gathering activities."[128] IACHR recalled that limitations on the right to seek, receive and impart information must be prescribed by law expressly and in advance, and that they must be sufficiently clear and specific so as not to grant an excessive degree of discretion to the public officials who decide whether or not to disclose the information.[129]

52. IACHR also recognized Jamaica's efforts, as reflected in the Act, to comply with its obligation of active transparency by proactively making public a variety of basic information about the functions of public authorities.[130] IACHR recommended that Jamaica strengthens its access to information laws and procedures by adopting the recommendations of the Joint Select Committee of Parliament to Consider and Report on the Operation of The Access to Information Act, including the recommendation to repeal the Official Secrets Act and provides statutory authority to the Access to Information Unit.[131]

53. IACHR reported that while women in Jamaica had the right to participate equally in the political process, they were severely underrepresented.[132]

5. Right to work and to just and favourable conditions of work

54. IACHR asserted that despite projects funded by the Ministry of Labour and Social Security, only a small fraction of disabled Jamaicans were employed in the formal sector.[133]

55. JFLAG recommended that the Government implement and promote the non-discriminatory HIV Workplace Policy, and that it strengthens its complaints mechanism and promotes its existence and functionality.[134]

6. Right to social security and to an adequate standard of living

56. IACHR stated that the profound social and economic marginalization of large sectors of the Jamaican population resulted in the poorest and most excluded sectors of the population being disproportionately victimized by the overall situation of insecurity.[135]

7. Right to health

57. AI recommended that safe and legal abortion services were available as an option for women and girls who were pregnant as a result of rape or whose lives or health were put at risk should they continue with the pregnancy.[136]

58. IACHR was deeply concerned that violence and discrimination against the LGBTI community was a substantial factor contributing to the HIV/AIDS epidemic in Jamaica[137] and stated that HIV infected individuals were reportedly denied equal access to healthcare due to discrimination based on their medical status.[138] IACHR was further concerned that laws criminalizing sex between men or homosexual conduct had a direct effect on infection rates.[139]

59. JS2 outlined the initiatives taken by the Ministry of Health through the National HIV Programme and National Family Planning Board (NFPB), to build the capacity of public health workers and promote the right to health.[140] JS2 recommended that Jamaica, inter alia, develops nation-wide health policies to attend the needs and requirements of LGBT people and provides HIV, sexual and reproductive health services to LGBT people with the same range of quality and accessibility as the rest of the population.[141]

8. Persons with disabilities

60. IACHR commended Jamaica on its National Development Plan, Vision 2030 Jamaica, for including a draft sector plan on persons with disabilities, detailing a plan to comprehensively address disability rights. IACHR asserted that however, significant steps must be taken to address adequately the challenges faced by Jamaica's disabled.[142] IACHR stated that legislation to protect the rights of Jamaica's disabled community had not yet been considered by Parliament by the date of adoption of its report on the situation of human rights in the country.[143]

61. IACHR reported that persons with mental illnesses in Jamaica were also affected by the lack of appropriate and timely care[144] and recommended that Jamaica maintains adequate and appropriate detention and prison facilities for mentally ill persons and persons with disabilities.[145]

62. IACHR recommended that Jamaica, inter alia, adopts specific legislation, policies and practices, to ensure that all persons living with disabilities enjoy their rights and ensures that housing, facilities and services throughout the country are available to them.[146]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
CHRI	Commonwealth Human Rights Initiative, New Delhi (India);
GIEACPC	Global Initiative to End all Forms of Corporal Punishment Against Children, London (United Kingdom of Great Britain and Northern Ireland);
ISHR	International Service for Human Rights, Geneva (Switzerland);
J-FLAG	J-FLAG, Kingston (Jamaica).

Joint submissions:

JS1	Joint submission 1 submitted by: Loyola Law School –Los Angeles – International Human Rights Clinic (LLS-IHRC), Los Angeles (United States of America); and Jamaicans for Justice (JFJ), Kingston (Jamaica);
JS2	Joint submission 2 submitted by: J-FLAG, Kingston (Jamaica); and Sexual Rights Initiative (SRI).

Regional intergovernmental organization(s):

IACHR	Inter-American Commission on Human Rights – Organization of American States, Washington (United States of America).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For the full text of the recommendations see A/HRC/16/14, recommendation 98.1 (Haiti, Mexico, Morocco, Republic of Moldova) and recommendation 98.2 (Panama, Spain, Argentina).

[4] AI, p. 1.

[5] AI, p.1. See also: CHRI, para.1.

[6] AI, p.5.

[7] For the full text of the recommendation see A/HRC/16/14, recommendation 100.2 (Argentina, Costa Rica, Ecuador, Maldives Portugal, Republic of Moldova, Slovakia, Spain, Sweden,United States of America) See also: A/HRC/16/14 Add.1.
[8] CHRI, para. 9.
[9] For the full text of the recommendation see A/HRC/16/14, recommendation 100.4(Argentina, Ecuador, Morocco, Panama, Spain, Trinidad and Tobago, Turkey).
[10] AI, p.1.
[11] Inter-American Commission on Human Rights, Report on the Situation of Human Rights in Jamaica, OEA/Ser.L/V/II.144 Doc. 12, 10 August 2012, available at: http://www.cidh.org, paras.80 and 230.
[12] CHRI, p.3.
[13] For the full text of the recommendations see A/HRC/16/14, recommendation 100.11(Haiti), recommendation 100.12 (Mauritius), recommendation 100.13 (Panama), and recommendation 100.14 (South Africa).
[14] CHRI, para. 4
[15] CHRI, p. 3.
[16] JFLAG, paras. 8 and 21. See also: ISHR, para. 6.
[17] ISHR, para. 6. See also: CHRI, p.3 and JFLAG paras. 8 and 21.
[18] CHRI, para.12.
[19] CHRI, para.2.
[20] CHRI, p.3.
[21] CHRI, para.3. For the full text of the recommendations see A/HRC/16/14, recommendation 101.4 (Latvia) and recommendation 101.5 (Brazil).
[22] CHRI, p.3.
[23] ISHR, para. 5.
[24] ISHR, para.6.
[25] IACHR, para. 6
[26] IACHR, para. 206.
[27] IACHR, paras. 213 and 214.
[28] IACHR, para. 230.
[29] IACHR, para. 264. See also: JFLAG, para.6, and JFLAG-SRI, para.14.
[30] JFLAG-SRI, para.20 See also, CHRI, p.6, JFLAG, p.5 and para. 14, and IACHR, para. 305.
[31] JFLAG-SRI para.6.
[32] AI, p. 4. See also: CHRI, para.15.
[33] ISHR, para.6 See also: IACHR, para. 305.
[34] JFLAG-SRI, paras. 4 and 12.
[35] CHRI, para. 13. See also: JFLAG-SRI para. 3.
[36] JFLAG, para.2 See also: JFLAG-SRI, para.2 and AI, p. 3.
[37] JFLAG p. 5 See also: AI, p.4 and JFLAG-SRI, para. 5.
[38] JFLAG, para. 9 See also: JFLAG-SRI paras. 3 and 9. For the full text of the recommendations see A/HRC/16/14, recommendation 101.18 (Netherlands), recommendation 101.19 (United States of America), recommendation 101.20 (Belgium), recommendation 101.21 (Slovenia), recommendation 101.22 (Sweden), and recommendation 101.23 (Spain).
[39] CHRI, para.14 and p.6. See also: AI, p. 3.
[40] AI, p.3.
[41] JFLAG-SRI, para. 11. See also: AI, p. 3, IACHR, para. 305, and CHRI, p.6.
[42] AI, p.3.
[43] CHRI, para.5. For the full text of the recommendations see A/HRC/16/14, recommendation 101.6 (France), recommendation 101.7 (Belgium), recommendation 101.8 (Norway), recommendation 101.9 (Spain), recommendation 101.10 (Hungary), recommendation 101.11 (Australia), recommendation 101.12 (Mexico), recommendation 101.13 (Belgium), recommendation 101.14 (Italy), recommendation 101.15 (Portugal), and recommendation 101.16 (Argentina).
[44] CHRI, para.8.
[45] AI, p.5. See also: CHRI, p.4.
[46] AI, pp.1-2.
[47] IACHR, para. 199. See also: CHRI, para.7 and AI, p.2.
[48] IACHR, para.200.

[49] CHRI, p. 4 See also: AI, p. 5.
[50] IHRC-LLS-JFJ, paras. 4 and 29.
[51] IHRC-LLS-JFJ para.1.
[52] IHRC-LLS-JFJ, para. 4.
[53] IHRC-LLS-JFJ, para. 28.
[54] IHRC-LLS-JFJ, para. 23.
[55] IHRC-LLS-JFJ, para. 21.
[56] IHRC-LLS-JFJ, para. 5.
[57] IHRC-LLS-JFJ, para. 25.
[58] IHRC-LLS-JFJ, para. 6.
[59] AI, P.3.
[60] AI, p.3.
[61] AI, p.3.
[62] AI, p.3.
[63] IHRC-LLS-JFJ, para. 1
[64] CHRI, para.12.
[65] IACHR, para. 43.
[66] IHRC-LLS-JFJ, para. 21.
[67] IHRC-LLS-JFJ, para. 51.
[68] IACHR, para. 175.
[69] IACHR, para. 180.
[70] IACHR, para. 167.
[71] IACHR, para. 182.
[72] IACHR, paras. 182, 183 and 187.
[73] IACHR, paras. 30 and 305.
[74] AI, p.3.
[75] IACHR, para. 188. See also: CHRI, para. 11.
[76] CHRI, p.11. For the full text of the recommendations see A/HRC/16/14, recommendation 99.10 (Mexico), recommendation 100.18 (Canada) and recommendation 100.19 (Algeria).
[77] IACHR, para. 204.
[78] AI, p. 3. See also IACHR, paras. 33 and 36.
[79] IHRC-LLS-JFJ, paras. 24 and 35. See also: AI, p.3 and IACHR, para. 38.
[80] AI, p.3.
[81] IACHR, para. 40.
[82] IACHR, para. 62.
[83] AI, p.2.
[84] IACHR, para. 216. See also: AI, p.2.
[85] IACHR, para. 206. See also: AI, p. 2.
[86] IACHR, para. 221.
[87] AI, p.4. See also: IACHR, para. 230.
[88] IACHR, para. 230.
[89] AI, p.2.
[90] AI. pp. 2 and 4.
[91] IACHR, par. 239.
[92] IACHR, para. 243.
[93] IACHR, para. 262.
[94] IACHR, para. 235.
[95] GIEACPC, para.1.2, See also: IACHR, para. 253.
[96] GIEACPC, para. 1.2. See also: GIEACPC, para. 2.7.
[97] GIEACPC, para.1.2.
[98] ISHR, para. 4.
[99] For the full text of the recommendation see A/HRC/16/14, recommendation 102.1 (United States of America).
[100] ISHR, p.1 and para. 4. See also: ISHR, p.1.
[101] ISHR, para.6.
[102] IACHR, para.64.

[103] IACHR, para. 65. See also: para. 72.
[104] IACHR paras. 87 and 88.
[105] JFLAG-SRI, para 19.
[106] IACHR, para. 75. See also: IACHR, para. 86.
[107] IACHR, paras.56 and 57.
[108] IHRC-LLS-JFJ, para. 51.
[109] CHRI, p.12 See also: IHRC-LLS-JFJ, para. 51.
[110] IACHR, para.73.
[111] IACHR, paras.73 and 163.
[112] IHRC-LLS-JFJ, para. 7.
[113] CHRI, p.12 See also: IHRC-LLS-JFJ, para. 51.
[114] IACHR, para. 103.
[115] IACHR, paras. 99, 100 and 101. See also: IHRC-LLS- JFJ, para. 43.
[116] IACHR, para. 97. See also: IACHR, paras. 67and 140, and ICHR-LLS-JFJ para. 42.
[117] IHRC-LLS-JFJ, para. 14. See also: IACHR, para. 133.
[118] IHRC-LLS-JFJ, para. 14.
[119] IACHR, para. 147.
[120] IHRC-LLS-JFJ, para. 16. See also IHRC-LLS-JFJ, para. 47 and IACHR, paras. 148 and 153.
[121] IHRC-LLS-JFJ, para. 51 See also: IACHR, para. 166 and AI, p. 5.
[122] IACHR, para. 253.
[123] IACHR, para. 281. See also JFLAG, para. 12.
[124] JFLAG, pp.5-6. See also JFLAG, p. 5 and para. 14, and JFLAG-SRI, paras. 22, 23 and 24.
[125] ISHR, para.2 See also: IACHR, para. 341.
[126] IACHR, para. 348.
[127] IAHCR, para. 349.
[128] IAHCR, para. 349.
[129] IAHCR, para. 349. See also: IACHR, para. 352.
[130] IACHR, para. 353.
[131] IACHR, para. 355.
[132] IACHR, para. 215.
[133] IACHR, para. 311.
[134] JFLAG, p.6.
[135] IACHR, para. 6.
[136] AI, p.4.
[137] IACHR, para. 266.
[138] IACHR, para. 290. See also: IACHR, para. 301.
[139] IACHR, para. 292.
[140] JFLAG-SRI, para.27.
[141] JFLAG-SRI, paras 28 and 29. See also: IACHR, para. 314.
[142] IACHR, para. 306.
[143] IACHR, para. 318. See: Report on the Human Rights Situation of Jamaica OEA/Ser.L/V/II.144 Doc. 12, 10 August 2012.
[144] IACHR, para. 310.
[145] IACHR, para. 204.
[146] IACHR, para. 319.